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September 8, 2005

Via E-File And Hand Delivery

The Honorable Kent A. Jordan
United States District Court
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801

Re: *IT Litigation Trust v. Daniel A. D'Aniello, et al.*
Civ. A. No. 04-01268 (KAJ)

Dear Judge Jordan:

I write on behalf of defendants (collectively, "Defendants") in the above-referenced proceeding. On September 8, 2005, Your Honor asked Defendants to confirm that docket entry no. 13 (entitled "Motion by Daniel A. D'Aniello, et al. to Dismiss Sixth and Seventh Claims for Relief of Plaintiff's Complaint"), docket entry no. 14 (entitled "Joint Motion by Anthony J. DeLuca, et al with Proposed Order to Dismiss for Lack of Subject Matter Jurisdiction") and docket entry no. 17 (entitled "Motion with Proposed Order by Carlyle International Partners, II, L.P. et al, to Dismiss for Lack of Personal Jurisdiction") have been rendered moot by subsequent pleading in this matter. I hereby confirm to Your Honor that the aforementioned motions indeed are moot in light of subsequent pleading in this matter.

Respectfully submitted,



Marcos A. Ramos

MXR/klm

cc: Mark D. Collins, Esq. (via hand delivery)
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